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8 MAXIMILIAN KLEIN, et al.,
9 Plaintiffs,
10 v.
11 FACEBOOK, INC.,
12 Defendant.

Case No. [20-cv-08570-LHK](#) (VKD)

**ORDER RE AUGUST 20, 2021
DISCOVERY DISPUTE RE EXPERT
PROTOCOL**

Re: Dkt. No. 134

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14 The parties ask the Court to resolve a dispute concerning the obligation to clawback
15 privileged material disclosed in an expert's report. Dkt. No. 134. The Court held a hearing on
16 these disputes on August 31, 2021. Dkt. Nos. 142, 146. For the reasons stated on the record
17 during the hearing, the Court orders as follows:

18 The 14-day clawback period applies to any document that is expressly relied upon by an
19 expert. Such documents typically will be cited or referenced specifically in the expert's report,
20 declaration, or affidavit and/or used or discussed in such materials. The 14-day clawback period
21 does not apply to documents that are merely listed as materials an expert received or considered.

IT IS SO ORDERED.

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23 Dated: September 13, 2021
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Virginia K. Demarchi
VIRGINIA K. DEMARCHE
United States Magistrate Judge